



EMPLOYMENT TRIBUNALS

Claimant: Ms I De Silva

Respondent: Trafalgar Square Hotel No. 2 Limited

Heard at: London Central **On:** 28 & 29 November 2022

Before: Employment Judge Liz Ord

Representation:

Claimant: In person
Respondent: Ms L Halsall (counsel)

JUDGMENT

1. The claimant's complaint of breach of contract is not well-founded and is dismissed.
 2. The claimant's complaint under section 189 of the Trade Union and Labour Relations (Consolidation) Act 1992 (TULR(C)A) of a failure by the respondent to comply with the requirements of section 188 of TULR(C)A is well founded.
 3. The respondent is ordered, by way of a protective award under section 189(3) of TULR(C)A, to pay remuneration to the claimant named in the attached schedule for a protected period of 30 days beginning on 1 September 2020 (being the date on which the dismissal to which the complaint relates took effect).
 4. The Employment Protection (Recoupment of Jobseeker's Allowance and Income Support) Regulations 1996 do not apply to this award.
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Employment Judge Liz Ord

Date 29 November 2022

JUDGMENT SENT TO THE PARTIES ON

30/11/2022

FOR THE TRIBUNAL OFFICE

Notes

1. A protective award is a two-stage process. The tribunal at this stage makes no financial award, but gives a judgment that the claimant is entitled to a protective award in the terms set out above. The claimant must then seek payment of her individual award from the respondent, quantifying the amount.
2. Failure to pay (should that occur), or any dispute as to the amount payable, then becomes a matter for a further separate claim under s192 of the Trade Union and Labour Relations (Consolidation) Act 1992 for payment of the award.
3. Reasons for the judgment having been given orally at the hearing, written reasons will not be provided unless a request was made by either party at the hearing or a written request is presented by either party within 14 days of the sending of this written record of the decision. If written reasons are provided, they will be displayed on the tribunal's online register of judgments, which is visible to internet searches.

schedule of claimants entitled to a protective award for a 30 day period and who are within the scope of this judgment.

	Name
1	Ishanka De Silva